Exclusive — A First Look at Saigon's New Constitution, P. 2

Air Marshal Walter HoChiMaoTse Mitty Ky: From Hitler Fan to Old Bolshevik

"I am not a true politician. I am a revolutionary."
—Ky to correspondents who flew with him in his private plane to Quang Tri, London Times *March 28.*

"Premier Ky's sharply pointed black shoes rested on a magnificent Chinese rug. He was drinking tea from a cup held delicately in a hand whose little finger was capped by an inch-long mandarin fingernail. 'The philosophy of my government is 100 percent social revolutionary.'"
—Interview with John B. Oakes, editor of the editorial page, New York Times, *April 3.*

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The Universal Monster the World's Youth Must Join to Slay

Some years ago a minor Soviet diplomat defected in Japan. One passage in an interview he gave was unforgettable. He said it was terrible to live in a society where you couldn't confide even in your best friend. I thought of it again when I read the joint statement issued here by 50 former National Student Association officers rejecting the Katzenbach report on the CIA. They said they did not doubt some good things may have been done during the period when the CIA secretly subsidized and guided the international operations of the NSA. But they said this was outweighed by "the negative by-products —of false association, of friendships built for the purpose of informing the government. . . ." The basic issue is not whether "certain activities" are to be financed by public or private, covert or open, means. The basic issue is whether on both sides youth is to revolt against a Statist monster bred by the cold war, fed on each side by the doctrine that the end justifies the means, and making men the tools of the State though it was meant (whether under socialism or capitalism) to be their servant.

A Loophole for Lovestone

We hope these 50 younsters will not confine themselves to a brief protest against the Katzenbach report. We urge them to organize a public investigation with like-minded groups into the full implications of the CIA affair. The Katzenbach report was more than a fraud. It was a symptom of how corrupted public standards have become. The idea that a governmental agency under attack should investigate itself runs contrary to good sense. It began when Allen Dulles took part in investigating the CIA's fiasco in the Bay of Pigs and it was continued when his successor, Helms, turned in his own whitewash with an Under Secretary of State and the Secretary of HEW to support him. Their recommendations contain ample escape clauses, notably in footnote B which allows some future hanky-pank but says it must in no case involve "any education, philanthropic or cultural organization". This is a loop-hole for Lovestone. It omits the labor unions whose CIA activities are exposed again by Paul Jacobs in the April *Ramparts*. It should not be forgotten that Johnson as majority leader sprang to the CIA's support in 1954 in its first major exploit, the overthrow of the Arbenz government in Guatamala. Its dirty tricks seem wholly justified in his melodramatic view of a world in which greedy foreigners grasp for our property. For a Texan of his outlook no moral precept could outweigh the duty to protect our oil, fruit, surphur, cattle and copper companies abroad. The CIA is only a more ingenious device for dollar diplomacy.

Establishment liberals are ready as usual to defend illiberal practices. William Attwood, as former Ambassador in West Africa, smears *Ramparts* and conjures up a fearsome picture in *Look* (April 18) of Soviet machinations on that Continent. But the real questions are: Is there a single African State they have taken over? Is there a single African elite they—like our CIA—have not failed to antagonize? Nasser is Africa's admired symbol of a ruler who has taken both the Americans and the Russians for a ride at their own expense. The chief corruption has been at home. How many intelligence services do we need? How many billions are CIA, DIA, FBI, NSA and the others spending? How many thousands of agents serve them? How far do they duplicate and spy on each other? How deeply do they penetrate all our organizations? Truman, under whom the CIA began, wrote in 1953 that he thought it should be stripped of its "dirty tricks" department. Unless we act soon our children will find that agencies supposed to defend freedom abroad have permanently poisoned it at home.

As Subversive As The Sermon on the Mount

"As I have walked among the desperate, dejected and angry young men I have told them that Molotov cocktails and rifles would not solve their problems . . . But they asked, and rightly so, what about Vietnam? . . . If America's soul becomes totally poisoned, part of the autopsy must read Vietnam . . . A nation that year after year continues to spend more money on military defense than on social uplift is approaching spiritual death . . . This need to maintain social stability for our investments accounts for the counter-revolutionary action of American forces in Guatemala . . . tells why American helicopters are being used against guerrillas in Colombia and why American napalm and green beret forces have already been active against rebels in Peru . . . The U.S. has become the greatest purveyor of violence in the world today."
—The Rev. Martin Luther King in New York April 4 in a call for an end to the war.

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Censorship "Abolished" But Still in Force—Only Property Rights Firmly Guaranteed

Saigon's New Basic Law Has A Bill of Rights As Full of Holes As Diem's

In Saigon, after the regular 5 p.m. briefing, there is a "deep backgrounder" in which an information officer, not for attribution, broaches ideas which the reporters are free to use, but only as if these were their own. This is how propaganda is fed out to the press. These "backgrounders" were recalled when we read a "think" piece on South Vietnam's new Constitution from Saigon in the *Christian Science Monitor* (April 3). "Observers," it said, "wonder about the effect on American opinion. What will be the stand of American liberals? . . . Many have urged a withdrawal. But it will not be easy for these people to urge that the U.S. abandon a new stripling democracy."

Not A Very Fragrant Baby

The *Monitor's* correspondent would have done better to take a good look at the baby. It bears striking resemblances to the "stripling democracy" launched by Diem's Constitution in 1956. At the very outset, Art. 12 (2) says "censorship will be abolished except for motion pictures and plays." But 96 hours after the Constitution was promulgated with a 21-gun salute, the *Saigon Guardian* was still suspended and the other papers were still being censored. The very next provision of the Constitution says, cryptically, "press regulations will be prescribed by law." No correspondent in Saigon seems to have bothered to ask what this meant and why censorship continued. Presumably the key lies in Article 12 (1) which says "The State respects freedom of thought, speech, press and publishing, as long as it does not harm personal honor, *national security* or good morals." [Our italics.] This takes back with one hand what was just granted with the other, and resembles Article 16 of Diem's Constitution which said, "Every citizen has the right to freedom of expression" but then added, "This right must not be used for false accusations, slander, outrages against public morals, incitations to internal disturbances, or for the overthrow of the republican form of government."

In the U.S. Constitution future laws are restricted by the Bill of Rights. In the new Vietnamese Constitution, the Bill of Rights is subject to restriction by future laws. One example are the "press regulations" mentioned above. Another is "freedom to join labor unions and to strike" which "will be respected within the framework and regulations prescribed by law." "Freedom of religious belief" is likewise guaranteed "as long as it does not violate the national interest and is not harmful to public safety or order", a qualification which must disturb the Buddhists, many of whose leaders are in prison or hiding. The right to freedom of residence and movement, to form associations, to vote, to run for public office and to privacy of correspondence are all subject to regulation.

Art. 29 says "Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified." This seems to invite restriction of many kinds although the next sentence says vaguely, "In any event the essence of all basic freedoms cannot be violated." What this essence may be is nowhere defined. In practice the most important provision may prove to be Art. 5 (2) which says "Every activity designed to propagandize or carry out communism is prohibited." This recalls the provisions for the election of the Constituent Assembly, which barred candidates the military considered in any way helpful to communism or neutralism. This was broad enough to exclude militant Buddhists, though it was their agitation which had forced the government to call those elections.

Art. 99 recognizes the right to form political parties and says they "may operate freely" but again "according to the procedures and conditions prescribed by law" while Art. 81 (2) gives the Supreme Court power to dissolve any party "whose policy and activities oppose the republican regime." Diem's Constitution, too, provided for loss of rights (Art. 22) where these were abused "with the object of jeopardizing the republican form of government." These loopholes proved broad enough to fill his concentration camps.

While the new Constitution omits the emergency powers which so facilitated the Diem dictatorship, its guarantees of fundamental rights are so full of holes as to be easily disregarded by a new military dictator in civilian garb. The place where there are no loopholes is in Art. 19 which guarantees private property and says any "expropriation or requisition by the State for the common good must be accompanied by speedy and just compensation at price levels existing at time of expropriation or requisition." This bars payment in bonds or at original cost. The landowner-dominated Assembly which framed this Constitution (and voted down land reform) knew how to draft a firm provision when it wanted to.

Above all it is important to note that this new Constitution in almost the same words as Diem's, purports to be the Constitution not of South Vietnam but of the entire country. Its preamble, like Diem's, makes reunification a fundamental purpose. The conquest of the North is again set down as Saigon's aim. This is where we came in before.

Saigon's Censors and the CBS Peace Poll

Saigon's censors, mostly military men, are notoriously clumsy and stupid. One of the latest examples of this was on the front page of the Saigon Post (March 23) which has just arrived in this country. The Post put on its page one the same AP story we used in a front page box of our own last week, reporting the CBS poll of public opinion in South Vietnam. The headline in the Saigon paper said, "Poll Survey in SVN Shows Peace Desire Predominant." The censor left in the headline and the first half of the first sentence, but forced the editors to tear out the type which said "81% of those questioned want peace above all else. Only 4% listed victory over communism, 2% reunification of north and south" as aims preferable to a quick peace. This left a large white blank in the middle of the story on page one. But further down the censors left in type the fact that "63% said they would like the U.S. to make greater efforts for negotiations with the Communists" while only "15% said military action should be stepped up."

It is important to remember that no candidate and no party advocating these majority views were allowed in the last election or are at all likely to be in the next.

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Expropriation for Land Reform Upheld and Colonialism of Monoculture Assailed

Pope's New Encyclical Read in Latin America As Attack on U.S. Policy

It is a pity Lyndon Johnson did not go through with his plan to give 10-gallon hats to all the Latin American Ambassadors when they visited his ranch. A photo of these assembled worthies, ludicrous in their Texan headgear, would have been worth volumes in teaching the Latin American masses what the O.A.S. really represents. It would have been an unforgettable bit of self-caricature. It bore all the earmarks of being Johnson's own idea; it had his exuberantly egotistical naivete and his desire to put his brand on everyone and everything near him.

Warmed-Over Marxism?

More important than Johnson's barbecue to the Latin summit meeting in Punta de Este was Pope Paul's encyclical *On The Development of Peoples.* It may be a disappointment to those who had hoped for a new and more permissive attitude toward birth control, but it is being read in Latin America as support for the non-revolutionary Left and as a criticism of U.S. policy. This aspect of the encyclical has escaped notice here, though the *Wall Street Journal* (March 30), attacked it as "warmed-over Marxism." There was similar criticism in Italian business papers like *Il Globo* and *La Notte,* and as far away as India where the right-wing *Express* headlined the encyclical, "Pope Sounds Like Marx."

In Latin America the encyclical took on special meaning. One of those Latin clerics the Pope cited was Bishop Manuel Larrain of Talca, the first and one of the few members of the Chilean hierarchy to support Christian Democratic social reform. Another significant citation was the late French Father Lebret who had long been preaching a new Catholic humanism, particularly in Brazil, where he helped to inspire Archbishop Helder Camara of Pernambuco. The military dictatorship we support in Brazil is said to have brought pressure on the Vatican to remove this "Red prelate" from the "powderkeg of the Northeast" (*Le Monde,* March 31). The encyclical will strengthen the Brazilian Catholic Left against the McCarthyite right which supported the military coup. By upholding the right of expropriation where huge landed estates "bring hardship to peoples", the Pope will help land reform in Chile and elsewhere. The Pope's criticism of a colonialism which fosters monoculture in the underdeveloped areas will be read as an attack on what U.S. sugar and fruit interests have done in many parts of the hemisphere, from Cuba southward. Par. 31 even in some instances upholds the right of revolution, while Par. 26 attacks "the international imperialism of money."

Could it be that Che Guevara, instead of being in Bolivia, is hiding out in Rome? Maybe we'd better put a Green Beret on Cardinal Spellman and drop him by parachute in Vatican City, fully equipped for counter-insurgency, including if necessary our favorite form of baptism—by napalm.

Brazil as Bargain Basement for Investors

"The principal error committed by Roberto Campos [Minister of Economic Planning in the Brazilian military dictatorship], many economists believe, was his overemphasis on monetary steps to fight inflation. These may have been successful in economically developed countries but not in Brazil where the vast majority of business entities, due to years of inflationary drain, are short of working capital and depend heavily on credits. Scarcity of bank credit merely forced the borrowers to resort to high-cost finance companies, many owned by banks, whose effective rate averaged around 60% per year. This not only drove manufacturing costs up and reduced production but was responsible for a record increase in bankruptcies. This has permitted foreign interests to pick up Brazilian companies at bargain prices. There has been very little industrial or agricultural expansion."

—Christian Science Monitor *from Brazil, March 29.*

Text of the Manifesto in Which Martin Luther King's SCLC Declared War on The War

"The sound of battle from Vietnam has muted the cry of the Negro in America to seek equal rights. The people of this nation from the President to every man on every street have turned their eyes to a small land, thousands of miles from the ghettoes of America. Far from the tenant farmer's shack in South Alabama, the nation is engaged in a battle which includes pacification programs and aid to war-struck civilians in a war-torn land. At home we fight a war on poverty—abroad we fight a war against the poor.

"The war in Vietnam has confused the public and drowned the Negro's cry for equal rights. Too long have the President, the Congress and non-Negro Americans failed to understand the frustration of a people asked to fight with all their life at stake for a nation which grants them only a partial life at home. For Negroes the first and most urgent fight is for absolute unqualified equality in a nation of peers. Watts, Harlem, Chicago, clearly reveal that this frustration is spilling over into a dangerous bitterness that threatens American democracy from every side. The President and the nation must not commit us to suicide by pretending not to see that the war against inequality, racism and poverty is the foremost need of the nation at this crossroads of history.

"The Vietnam conflict itself is being fought by America's young men who have been lifted from society by racially exclusive Selective Service boards in a system of selection that discriminates against the poor and places Negroes in the front line in disproportionate numbers and from there to segregated cemetery plots in the Deep South.

"To win the world to the cause of freedom this nation must practice at home what it preaches abroad. The freedom which we seek in this land can be made a reality abroad only by its application to every ghetto dweller in America, to every tenant farmer in the South, for every American whether he be white or black.

"Nor do we believe that we can long tell Americans to practice nonviolence at home while our nation is practicing the very essence of violence abroad in this morally and politically unjust war.

"Therefore the board of directors of SCLC recognizes that the voice of the poor in America cannot be heard over the sounds of battle. Primary thrust is still to secure equal rights for all men in this land. Rather than have the American dream slain in the jungles and swamps of Vietnam, we pledge ourselves to do everything in our power to end that war."

—Board of Directors of the Rev. Martin Luther King's Southern Christian Leadership Conference March 30.

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John Kenneth Galbraith's Odd Conceptions of Innocence and of Disaster

Murray Kempton's Astringent View of the Latest ADA Convention

We were laid up with a cold during the ADA convention. But the brilliant Murray Kempton has expressed our feelings about it better than we could, so without time for permission but with admiration, we present this excerpt from his New York Post *column April 4. It was Kempton at his most perceptive and courageous best:*

By Murray Kempton

Yesterday's accounts of the Americans for Democratic Action convention in Washington last weekend suggest that this organism is both healthy and incurable. Vice President Humphrey was peddling General Ky to the Europeans and thus unable to attend the convention banquet at which he was to have presented awards to various ADA laureates deserving of the public gratitude. The list of these laureates was not published, and once again ADA may have cause to be grateful for its neglect by the commercial press.

Perhaps An Award for Dubinsky?

Last year, as a measure of its sensitivity to the urban crisis, it gave an award to Robert F. Wagner; this year, no doubt, David Dubinsky was anointed for the 20-odd years he has provided a mail drop for Jay Lovestone on the occasions when that delightful schemer had dived into the War College, the Institute for Strategic Studies or the CIA.

The election of John Kenneth Galbraith as president of the ADA is a heartening promise of charm and acuity in an office where they have not often been combined before; but it hardly crashes upon us as a revolutionary tocsin. "When I hear generals, or high State Department officials," Galbraith said, "speak rather briskly of a five or ten years' war, I am also willing to believe that they have not considered the political consequences. But, for the rest of us, there is no excuse for *innocence*. This disaster could, indeed, mean the death and burial of the Democratic party."

Innocence? Is Dean Rusk innocent?

When we talk about five more years of war, we are talking about murder. We are talking about five years of a government which tells lies, about five years in a nation which gets up every morning knowing that it makes its wars on women, five years of thinking about people who must wonder whether they would not rather be dead than under our protection, five years of being torn between agony for our own soldiers and agony for the cheated and despoiled farmers who fight them. And what is the one disaster the new president of the Americans for Democratic Action sees at the end of these events?

The death and burial of the Democratic party. . . .

In any case who is ADA kidding? Mr. Johnson will be unanimously renominated by a convention which includes a number of delegates who are members of Americans for Democratic Action. The ADA will then go into the campaign unenthusiastically but abjectly supporting President Johnson.

Twenty-one years ago, they announced that they would forever be responsible anti-Communist liberals. The Vietnam war is the logical consequence of anti-Communist liberalism. The road ended there. What they think of it makes no difference; they are enlisted; and they will march when Mr. Johnson sounds the advance.

Another Phoney Johnson Panacea

There is nothing wrong with the post office that more money won't solve. Its difficulties are another example of starving public services to maintain private affluence, and to meet the rising costs of the Vietnamese war. The idea of turning it over to a "non-profit" corporation is a typical bit of Johnsonian razzle-dazzle, a way to pretty up the budgetary picture and perhaps even a plan ultimately to turn postal services over altogether to "free enterprise." No one is more simple-minded in their devotion to it as a universal panacea than our pseudo-Populist from the Pedernales. An obligation to maintain post offices and post roads was written into the Constitution. It is our oldest form of public ownership. It maintains many services—like rural free delivery—that no private enterprise would provide. There is no country in the world which does not own its own post office. Ours is starved, of funds for modernization and for the retention of skilled help. Example: A bus driver here in Washington starts at $6900 a year. It takes a letter carrier 15 years to reach that level. If money is needed for a decent postal service, why not an excess profits tax on war contractors?

I am exhausted and taking a two-week vacation. I urge readers to support the Vietnam Day mobilization.—IFS

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